

Senate Bill 477

By: Senator Thompson of the 33rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the  
2 state board and department of corrections, so as to require notification of the local  
3 government with jurisdiction over the site where the Department of Corrections plans to  
4 construct, build, acquire, lease, locate, or contract for the use of any of certain correctional  
5 institutions; to provide for a response from the local government so notified; to provide that  
6 the department is not authorized to proceed with plans for such correctional facility without  
7 consent of the local government; to provide for related matters; to provide for an effective  
8 date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the state board  
12 and department of corrections, is amended by inserting a new Code section to be designated  
13 Code Section 42-2-15 to read as follows:

14 "42-2-15.

15 (a) The department shall notify the county, municipal corporation, or consolidated  
16 government that encompasses the geographic site where the department plans to construct,  
17 build, acquire, lease, locate, or contract for the use of a new correctional institution, work  
18 release center, detention center, or other institution for holding persons who are in the  
19 custody of the department. For cities and counties, the department shall notify the county  
20 if the site is located in the unincorporated part of a county and shall notify the municipal  
21 corporation if the site is located within the corporate limits of a municipal corporation.

22 (b) A local government that receives such a notification shall respond to the department  
23 within 90 days of receipt of notification, and such response shall indicate whether the  
24 governing authority of the local government has, by majority vote, consented to the  
25 construction, building, acquisition, lease, location, or contract for the use of an institution

1 for holding persons who are in the custody of the department within its geographic  
2 jurisdiction.

3 (c) The department is not authorized to proceed with plans for the construction, building,  
4 acquisition, lease, location, or contract for the use of any institution for holding persons  
5 who are in the custody of the department without consent of the governing authority of the  
6 local government having jurisdiction over the proposed site."

7 **SECTION 2.**

8 This Act shall become effective on July 1, 2006.

9 **SECTION 3.**

10 All laws and parts of laws in conflict with this Act are repealed.